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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,815	11/10/1999	Jeffrey P. Bezos	249768014US	8505

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EXAMINER
CARLSON, JEFFREY D

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application N⬤		Applicant(s)
Office Action Summary	09/437,815		BEZOS ET AL.
	Examiner		**Art Unit**	
	Jeffrey D. Carlson		3622	**⅃ᴜⱳ**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 March 2003_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5,7-9,31-36,41-55 and 75-101_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-5,7-9,31-36,41-55 and 75-101_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

This action is responsive to the paper(s) filed 3/19/03.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 45-55, 75-101 are rejected under 35 U.S.C. 101 because:

■ These claims do not set forth a concrete, useful and tangible result. The steps and structure set forth merely allow bidding and selection of a winning ad, but no ad is finally delivered and displayed to the end user. Such claims therefore fall short of providing a concrete, useful and tangible result.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claim 101 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

■   Claim 101, it is unclear to what "an amount" is referring. An amount or a

quantity of what? Presumably applicant should include "bid amount" in the

claim.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-5, 45-50, 55, 75-81, 87-89, 91-99, 101 are rejected under 35

U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious

over Roth (US6285987).

Regarding claims 1, 50, 55, 75, 77, 93, 101, Roth et al teaches advertisers who

submit ads over a network for future advertising opportunities. The bids specify an

amount to pay to show an ad to a viewer having particular characteristics and on a

website that meets a set of criteria [abstract]. When a website with advertising to be

shown is requested, an ad opportunity is created. The system then normally chooses

the highest bid from all submitted bids that meet the criteria for the display opportunity

(user characteristics and type of requesting site). The associated ad is then delivered

and displayed to the user at the browser [col 5 lines 29-45]. Roth et al teaches that

each ad plan/campaign specifies a number of ads to be shown during a period of time

(exposure) [col 8 lines 3-5]. Roth et al also teaches an optimization method [col 8 lines

32-40] that attempts to "maintain the level of buying" to ensure the number of ad

impressions is reached during the allotted time period. This method addresses the

situation where a particular ad is not being selected frequently enough; an ad that is

under-achieving and is below the optimum "level of buying" will be influenced to be

selected over other ad bids. Roth et al achieves this by dynamically and artificially

adjusting the bid amount upward to help ensure the ad is selected and help reach the

optimum level of buying. Similarly, for an ad that is being selected too often and has a

level of buying too high, the selection process is influenced to avoid choosing the ad in

order to lower/restores the (optimum) level of buying. Roth et al achieves this by

dynamically and artificially adjusting the bid amount downward to assist in avoiding the

over-achieving ad, tending to result in other ads being chosen. The system of Roth et al

receives bid amounts set by the advertisers (proposed bid - col 8 lines 44-46]). In

certain circumstances, the bid selection logic changes the submitted amounts in order

to slow down or speed up the impression rate of a particular ad so that the ad selection

process may be influenced to "maintain the (optimum) level of buying." The system-

controlled changes to advertiser's proposed bids are considered to be functionally

equivalent to applicant's selection procedure based on bid and likelihood that an ad's

specified number of impressions will be met. In the case where an under-achieving ad

is influenced enough by the optimization process so as to be selected over a higher,

competing proposed bid, the ad process can be said to have selected an ad associated

with a advertiser-submitted bid that is not the highest. System-increase of a low

proposed bid so that the ad gets chosen is taken to be functionally the same as

selecting a lower bid for an under-achieving ad. However, it would have been obvious

to one of ordinary skill at the time of the invention for the system to have not

manipulated the proposed bids at all, but merely choose the ads which need to increase

their impression rate in order to maintain the level of buying, even if lower-bid ads must

be selected. In this manner, the ads can be adjusted in line with their expected

impression rate without surprisingly high bid increases.

Regarding claims 2, 46, the selection of winning bid is performed after the ad

request/opportunity.

Regarding claims 3, 4, 47, 48, 80, user demographics and time/date are used to

specify and target bids. The selecting among the qualifying bids is therefore based on

such criteria [col 14 lines 9-37].

Regarding claims 5, 49, 81, Roth et al teaches targeting the ads according to site keywords [col 14 lines 9-22] as well as page category/content [col 1 lines 50-53] and type of page [col 5 line 40].

Regarding claim 45, the bids/bid agents/bid criteria are stored in an orderly fashion in the system so as to associate the bids with the advertiser and related ad; this represents inherent storage in a database of some type. Roth et al also teaches a log and billing function so that ad placements are noted and the advertisers billed [col 12 lines 39-40].

Regarding claim 75, 91, revenue can be said to be maximized because under-achieving ads will be sold and other (losing) ads with similar bids have opportunity to be sold later in their campaign.

Regarding claim 76, 92, it is obvious, if not inherent, that the optimization of Roth et al select under-achieving ads with less future opportunities over ads with higher bids who have more time left in their campaigns to achieve their total impressions.

Regarding claims 78, 79, 94-96, the system's bid modification is based on the likelihood of impressions (page appearances) being met and can be described as normalized bids.

Regarding claims 87-89, 97-99, the bids inherently represent the intentions/strategy of the advertiser. They plan to display ads on the types of pages and for the types of users specified in the criteria. Roth et al teaches that the ads be targeted to web page category/"type of page" as well as user characteristics. Such targeting criteria is inherently based on a correlation of such information to the types of

ads to be presented. The advertiser inherently is seeking ad placement for items where

the content/category of the page is related to the item being advertised. Roth et al also

teaches targeting ads to users who have accessed certain types or categories of

information [col 4 lines 63-67]. The Viewer History Data (viewing history, purchases,

click through, etc) also provides an element for targeting [col 8 lines 65-67].

4.   Claims 7, 8, 31-35, 41-43, 51, 52, 82-86 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Roth et al in view of Copple et al (US6178408). Roth et al

teaches bidding a "price or amount" [abstract], but does not teach the use of "points".

Copple et al teaches methods for accumulating "points" for participating in and making

purchases over the Internet, for example [col 4 lines 6-11]. These points can then be

used to bid on auctions of value. It would have been obvious to one of ordinary skill at

the time of the invention to have enabled the advertising bidders of Roth et al to bid with

any type of currency or value such as reward points for making transactions. It would

have been obvious to one of ordinary skill at the time of the invention to have awarded

points for any type of commercial transaction including transactions related to online-

auctions so as to encourage a wide range of user-compensated-activity.

Regarding claims 41-43, the bids inherently represent the intentions/strategy of

the advertiser. They plan to display ads on the types of pages and for the types of

users specified in the criteria. Roth et al teaches that the ads be targeted to web page

category/"type of page" as well as user characteristics. Such targeting criteria is

inherently based on a correlation of such information to the types of ads to be

presented. The advertiser inherently is seeking ad placement for items where the content/category of the page is related to the item being advertised. Roth et al also teaches targeting ads to users who have accessed certain types or categories of information [col 4 lines 63-67]. The Viewer History Data (viewing history, purchases, click through, etc) also provides an element for targeting [col 8 lines 65-67].

5.   Claims 9, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Copple et al in view of Goldhaber et al (US5794210). Copple et al does not teach receiving rewards/points for clicking through one web page to another. Goldhaber et al however teaches such an idea as "negative pricing of information". Users are rewarded for clicking form one web page to another [col 7 lines 47-55]. It would have been obvious to one of ordinary skill at the time of the invention to have rewarded users who perform these actions with points useable in a an online auction for ad placements.

6.   Claims 44, 90, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Copple et al in view of Bates et al (US6339438). Roth et al does not teach targeting/selecting an ad if the item advertised competes with the content in the display space. Bates et al however, teaches to target or select a competitors product advertisement based on the contents of the browser window, such as when it displays competitive items [col 7 lines 59-65]. It would have been obvious to one of ordinary skill at the time of the invention to have targeted ad placement/selection according to a

whether the ad space displayed a competitor's offerings, so that the ad can be tightly related and relevant to the displayed user-requested information.

7.   Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Copple et al in view of Tulskie, Jr et al (US6249768). Copple et al does not teach receiving rewards/points for providing web page links for others to select. However, Tulskie, Jr et al teaches compensation for a user to provide referring links to an entity who rewards such activity [col 8 lines 14-17]. It would have been obvious to one of ordinary skill at the time of the invention to have rewarded such link referral with the reward point and auction system of Copple et al/Roth et al so that users can earn more points for various activities.

8.   Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Copple et al in view of Eldering (US6324519). While Roth et al teaches varying the bid amounts based on number of impressions or based upon user history [col 2 lines 31-41], there is no teaching for varying according to the degree which the ad criteria matches the page content. Eldering also teaches selecting targeted ads for websites based upon bidding auctions [col 12 lines 9-26]. Eldering also teaches providing a bid and target criteria. Column 10 lines 37-41 teach that the bid amount varies according to the degree of correlation between advertiser specified criteria and the opportunity characteristics. It would have been obvious to one of ordinary skill at the time of the invention to have employed variable bid amounts by advertisers of Roth

et al based on the degree of correlation between the advertisers criteria of "type of page"/page category (content), so that advertisers who are willing to pay more for better opportunities can do so.

9.   Claims 1-5, 45-50, 55, 75-81, 87-89, 91-99, 101 are alternatively rejected under 35 U.S.C. as obvious over Roth (US6285987) as above and further in view of Davis et al (US6269361). Davis et al teaches ad opportunities that each call for include plural, targeted ads that are to be placed on the page according descending bid amounts. It would have been obvious to one of ordinary skill at the time of the invention to have auctioned ad opportunities using the system of Roth et al whereby plural winning ads are selected in a manner as taught by Davis et al. This would increase advertising revenue. Any of the second or lower-placed ads correspond to selected bids other than the highest bid.

Regarding claims 1, 50, 55, 75, 77, 93, 101, Roth et al teaches advertisers who submit ads over a network for future advertising opportunities. The bids specify an amount to pay to show an ad to a viewer having particular characteristics and on a website that meets a set of criteria [abstract]. When a website with advertising to be shown is requested, an ad opportunity is created. The system then normally chooses the highest bid from all submitted bids that meet the criteria for the display opportunity (user characteristics and type of requesting site). The associated ad is then delivered and displayed to the user at the browser [col 5 lines 29-45]. Roth et al teaches that each ad plan/campaign specifies a number of ads to be shown during a period of time

(exposure) [col 8 lines 3-5]. Roth et al also teaches an optimization method [col 8 lines 32-40] that attempts to "maintain the level of buying" to ensure the number of ad impressions is reached during the allotted time period. This method addresses the situation where a particular ad is not being selected frequently enough; an ad that is under-achieving and is below the optimum "level of buying" will be influenced to be selected over other ad bids. Roth et al achieves this by dynamically and artificially adjusting the bid amount upward to help ensure the ad is selected and help reach the optimum level of buying. Similarly, for an ad that is being selected too often and has a level of buying too high, the selection process is influenced to avoid choosing the ad in order to lower/restores the (optimum) level of buying. Roth et al achieves this by dynamically and artificially adjusting the bid amount downward to assist in avoiding the over-achieving ad, tending to result in other ads being chosen. The system of Roth et al receives bid amounts set by the advertisers (proposed bid - col 8 lines 44-46]). In certain circumstances, the bid selection logic changes the bids in order to slow down or speed up the impression rate of a particular ad so that the ad selection process may be influenced to "maintain the (optimum) level of buying." The system-controlled changes to advertiser's proposed bids are considered to be functionally equivalent to applicant's selection procedure based on bid and likelihood that an ad's specified number of impressions will be met. In the case where an under-achieving ad is influenced enough by the optimization process so as to be selected over a higher, competing proposed bid, the ad process can be said to have selected a proposed bid that is not the highest. System-increase of a low proposed bid so that the ad gets chosen is taken to be

functionally the same as selecting a lower bid for an under-achieving ad. However, it would have been obvious to one of ordinary skill at the time of the invention for the system to have not manipulated the proposed bids at all, but merely choose the ads which need to increase their impression rate in order to maintain the level of buying, even if lower-bid ads must be selected.

Regarding claims 2, 46, the selection of winning bid is performed after the ad request/opportunity.

Regarding claims 3, 4, 47, 48, 80, user demographics and time/date are used to specify and target bids. The selecting among the qualifying bids is therefore based on such criteria [col 14 lines 9-37].

Regarding claims 5, 49, 81, Roth et al teaches targeting the ads according to site keywords [col 14 lines 9-22] as well as page category/content [col 1 lines 50-53] and type of page [col 5 line 40].

Regarding claim 45, the bids/bid agents/bid criteria are stored in an orderly fashion in the system so as to associate the bids with the advertiser and related ad; this represents inherent storage in a database of some type. Roth et al also teaches a log and billing function so that ad placements are noted and the advertisers billed [col 12 lines 39-40].

Regarding claim 75, 91, revenue can be said to be maximized because under-achieving ads will be sold and other (losing) ads with similar bids have opportunity to be sold later in their campaign.

Regarding claim 76, 92, it is obvious, if not inherent, that the optimization of Roth

et al select under-achieving ads with less future opportunities over ads with higher bids

who have more time left in their campaigns to achieve their total impressions.

Regarding claims 78, 79, 94-96, the system's bid modification is based on the

likelihood of impressions (page appearances) being met and can be described as

normalized bids.

Regarding claims 87-89, 97-99, the bids inherently represent the

intentions/strategy of the advertiser. They plan to display ads on the types of pages and

for the types of users specified in the criteria. Roth et al teaches that the ads be

targeted to web page category/"type of page" as well as user characteristics. Such

targeting criteria is inherently based on a correlation of such information to the types of

ads to be presented. The advertiser inherently is seeking ad placement for items where

the content/category of the page is related to the item being advertised. Roth et al also

teaches targeting ads to users who have accessed certain types or categories of

information [col 4 lines 63-67]. The Viewer History Data (viewing history, purchases,

click through, etc) also provides an element for targeting [col 8 lines 65-67].

10.   Claims 7, 8, 31-35, 41-43, 51, 52, 82-86 are alternatively rejected under 35

U.S.C. 103(a) as being unpatentable over Roth et al and Davis et al, further in view of

Copple et al (US6178408). Roth et al teaches bidding a "price or amount" [abstract],

but does not teach the use of "points". Copple et al teaches methods for accumulating

"points" for participating in and making purchases over the Internet, for example [col 4

lines 6-11]. These points can then be used to bid on auctions of value. It would have been obvious to one of ordinary skill at the time of the invention to have enabled the advertising bidders of Roth et al to bid with any type of currency or value such as reward points for making transactions. It would have been obvious to one of ordinary skill at the time of the invention to have awarded points for any type of commercial transaction including transactions related to online-auctions so as to encourage a wide range of user-compensated-activity.

Regarding claims 41-43, the bids inherently represent the intentions/strategy of the advertiser. They plan to display ads on the types of pages and for the types of users specified in the criteria. Roth et al teaches that the ads be targeted to web page category/"type of page" as well as user characteristics. Such targeting criteria is inherently based on a correlation of such information to the types of ads to be presented. The advertiser inherently is seeking ad placement for items where the content/category of the page is related to the item being advertised. Roth et al also teaches targeting ads to users who have accessed certain types or categories of information [col 4 lines 63-67]. The Viewer History Data (viewing history, purchases, click through, etc) also provides an element for targeting [col 8 lines 65-67].

11.   Claims 9, 53 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Davis et al, further in view of and Copple et al and Goldhaber et al (US5794210). Copple et al does not teach receiving rewards/points for clicking through one web page to another. Goldhaber et al however teaches such an

idea as "negative pricing of information". Users are rewarded for clicking form one web

page to another [col 7 lines 47-55]. It would have been obvious to one of ordinary skill

at the time of the invention to have rewarded users who perform these actions with

points useable in a an online auction for ad placements.

12.   Claims 44, 90, 100 are alternatively rejected under 35 U.S.C. 103(a) as being

unpatentable over Roth et al and Davis et al, further in view of and Copple et al and

Bates et al (US6339438). Roth et al does not teach targeting/selecting an ad if the item

advertised competes with the content in the display space. Bates et al however,

teaches to target or select a competitors product advertisement based on the contents

of the browser window, such as when it displays competitive items [col 7 lines 59-65]. It

would have been obvious to one of ordinary skill at the time of the invention to have

targeted ad placement/selection according to a whether the ad space displayed a

competitor's offerings, so that the ad can be tightly related and relevant to the displayed

user-requested information.

13.   Claim 36 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable

over Roth et al and Davis et al, further in view of Copple et al and Tulskie, Jr et al

(US6249768). Copple et al does not teach receiving rewards/points for providing web

page links for others to select. However, Tulskie, Jr et al teaches compensation for a

user to provide referring links to an entity who rewards such activity [col 8 lines 14-17].

It would have been obvious to one of ordinary skill at the time of the invention to have

rewarded such link referral with the reward point and auction system of Copple et al/Roth et al so that users can earn more points for various activities.

14.   Claim 54 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al and Davis et al, further in view of Copple et al and Eldering (US6324519). While Roth et al teaches varying the bid amounts based on number of impressions or based upon user history [col 2 lines 31-41], there is no teaching for varying according to the degree which the ad criteria matches the page content. Eldering also teaches selecting targeted ads for websites based upon bidding auctions [col 12 lines 9-26]. Eldering also teaches providing a bid and target criteria. Column 10 lines 37-41 teach that the bid amount varies according to the degree of correlation between advertiser specified criteria and the opportunity characteristics. It would have been obvious to one of ordinary skill at the time of the invention to have employed variable bid amounts by advertisers of Roth et al based on the degree of correlation between the advertisers criteria of "type of page"/page category (content), so that advertisers who are willing to pay more for better opportunities can do so.

Response to Arguments

Applicant's arguments filed 3/19/03 have been fully considered but they are not persuasive. Applicant argues that Roth et al chooses the highest bid. The system of Roth et al receives bid amounts set by the advertisers (proposed bid - col 8 lines 44-46]). In certain circumstances, the bid selection logic changes the bids in order to slow

down or speed up the impression rate of a particular ad so that the ad selection process may be influenced to "maintain the (optimum) level of buying." The system-controlled changes to advertiser's proposed bids are considered to be functionally equivalent to applicant's selection procedure based on bid and likelihood that an ad's specified number of impressions will be met. In the case where an under-achieving ad is influenced enough by the optimization process so as to be selected over a higher, competing proposed bid, the ad process can be said to have selected a proposed bid that is not the highest. System-increase of a low proposed bid so that the ad gets chosen is taken to be functionally the same as selecting a lower bid for an under-achieving ad. Even though the advertiser-submitted bid may be supplemented by the system, the selection of an underachieving ad is taken to be selection of an ad having a low advertiser-submitted bid, regardless of how much the system supplements such a bid. Applicant argues that the advertiser pays more due to such supplementing, yet there is no such language in the claims; the claims do not specify how much an advertiser pays. The selected ad of Roth et al However, it would have been obvious to one of ordinary skill at the time of the invention for the system to have not manipulated the proposed bids at all, but merely choose the ads which need to increase their impression rate in order to maintain the level of buying, even if lower-bid ads must be selected.

Further, Roth et al's system bid modification is based on the likelihood of impressions (page appearances) being met and can be described as normalized bids,

the highest *normalized* bid being accepted. Applicant claims such features in claims 78-

79 which depend from independent claim 75.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-

3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate

Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc